

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 27930 of 2007(Y)

OS.718/2007 of I ADDL.M.C.,ERNAKULAM

PETITIONER:

S. GANAPATHY, S/O. VENKITACHALA IYER,
AGED 59, RESIDING AT CHURCH LANDING ROAD,
ERNAKULAM, KOCHI-680 016.

BY ADV. SRI.K.P.SREEKUMAR

RESPONDENTS:

1. THE MANAGER,
ANDHRA BANK, M.G. ROAD, ERNAKULAM.
2. THAILAMBAL, AGED 65,
D/O. VENKITACHALA IYER, RESIDING AT
CHURCH LANDING ROAD, ERNAKULAM, KOCHI-682 016.
3. RAJAMBAL, AGED 72,
D/O. VENKITACHALA IYER, RESIDING AT
CHURCH LANDING ROAD, ERNAKULAM, KOCHI-682 016.

BY

ADV. SRI.ABRAHAM MATHEW (VETTOOR) FOR R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.27930 OF 2007

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Dated this the 20th day of September 2007

JUDGMENT

This writ petition is filed to set aside Ext.P3 order whereby the I Addl. Munsiff, Ernakulam has directed the plaintiff to take steps. Learned counsel for the petitioner submits before me that the suit is filed with respect to one person, viz., P.V.S.Narayanan invoking Sections 107 and 108 of the Evidence Act to the effect that as he is unheard for more than 7 years by persons who would have heard about him if he had been alive and for a further relief that Rs.92,000/- which is lying in the Savings Bank Account of Narayanan may be released to the plaintiffs. Learned counsel for the petitioner would submit that the defendant bank had not contested the case and chosen to remain ex parte. Learned counsel for the bank submits that it has no objection. In such a situation, the court has only to find out from the evidence tendered by the plaintiffs and pass a judgment in accordance with law. It may not be necessary to take any further steps in the matter unless the court specifically states that what is the doubt it is entertaining. In these type of cases guidelines to be followed are rendered by this court in

the decision reported in **Bhargavi Amma v. Bhaskaran Pillai(1988(2) KLT 537).** The court, after hearing the plaintiffs may dispose of the matter in accordance with law without further delay in the matter.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-